

Message Text

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ORIGIN L-02

INFO OCT-01 AF-06 ISO-00 PM-03 OCL-00 OC-05 CCO-00 CIAE-00

INR-07 NSAE-00 /024 R

DRAFTED BY L/AF:CASCHMITZ:MMP

APPROVED BY L/AF:CASCHMITZ

AF/E:RSBARRETT

L/PM:TABOREK (DRAFT)

DOD/ISA:LT.COL.SIGLER (DRAFT)

DOD/GC:RKONAN (DRAFT)

----- 016401

P R 272315Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY ADDIS ABABA PRIORITY

AMCONSUL ASMARA PRIORITY

INFO DOD

CNO

USCINCEUR

CINC USNAVEUR

COMNAVTELCOM

NAVCOMMSTA NEA

NAVCOMUNIT ASMARA

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E.O. 11652: N/A

TAGS: PINS, PINT, PFOR, ET, UA

SUBJECT: KAGNEW: NINTH SUPPLEMENTAL LEASE AND TRANSFER
DOCUMENT

1. OUR MAJOR CONCERN WITH TEXTS OF TRANSFER DOCUMENT AND
NINTH SUPPLEMENTAL LEASE AS COUNTERPROPOSED BY PMG UNDER
ITS NOTE OF JANUARY 13, 1975 IS PMG'S SUGGESTION THAT
LEASE BE TRANSMUTED INTO "PHASING DOWN OF 'INSTALLATION'
AGREEMENT". WE SEE NO PARTICULAR ADVANTAGE IN SO
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DESIGNATING THE NINTH VERSION OF THE SUPPLEMENTAL LEASE,

AND PMG PROPOSAL WOULD CAUSE US SUBSTANTIAL DIFFICULTY IN AUTHORIZATION AND CLEARANCE PROCESS. IF PMG WISHES TO NEGOTIATE FORMAL PHASE-DOWN AGREEMENT, IT SHOULD PROPOSE TO DO SO STRAIGHT-FORWARDLY AND NOT TRY TO ACHIEVE THAT END BY TINKERING WITH ROUTINE, TECHNICAL DOCUMENT. ACCORDINGLY, YOU SHOULD INSIST UPON RETURN TO TRADITIONAL DESIGNATION OF LEASE. PMG AGREEMENT TO DO SO WOULD CHANGE FIRST PART OF TRANSFER DOCUMENT, TITLE AND PREAMBLE OF LEASE, PARA B, AND PARA 13 FROM VERSIONS IN PMG COUNTERPROPOSAL. NEW PARA B WOULD READ AS FOLLOWS: "WHEREAS THE LESSOR AND THE LESSEE DESIRE TO FORMALIZE SEVERAL CHANGES IN THE LEASEHOLD WHICH HAVE BEEN MUTUALLY AGREED AND INFORMALLY EFFECTED, INCLUDING DELEGATIONS, CHANGES IN USE IN TRACT E, AND ADDITION OF A RIGHT-OF-WAY FOR VARIOUS UTILITY LINES IN

CONSIDERATION OF A SINGLE LUMP-SUM PAYMENT." PARA 13 SHOULD FOLLOW FORM OF EIGHTH SUPPLEMENTAL LEASE.

2. FIRST PART OF TRANSFER DOCUMENT SHOULD READ AS FOLLOWS: "THE UNITED STATES GOVERNMENT AND THE PROVISIONAL MILITARY GOVERNMENT OF ETHIOPIA HEREBY ACKNOWLEDGE THE TRANSFERS/RETURNS OF WELLS NO. 1, NO. 4, AND WELL C (RETURNED PRIOR TO JANUARY 1974) AND A PORTION OF TRACT E (RETURNED ON 26 JUNE 1974), AS REFLECTED IN REVISED BOUNDARIES IN PARAGRAPH 6 OF THE NINTH SUPPLEMENTAL LEASE, AND ANTICIPATE THE TRANSFER/RETURN OF THE SOUTHERN PORTION OF TRACT TX IN MAY 1975, INCLUDING IMMOVABLE PROPERTY, TO THE PROVISIONAL MILITARY GOVERNMENT OF ETHIOPIA AS REPRESENTED BY THE JOINT WORKING GROUP. THE IMMOVABLE PROPERTY ON TRACT E INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING BUILDING NUMBERS:...."

3. FINAL PORTION OF TRANSFER DOCUMENT SHOULD READ AS FOLLOWS: "IN CONSIDERATION OF THE RETURN OF THE AFORESAID PROPERTIES, AS OF THE EFFECTIVE DATES THEREOF, THE PROVISIONAL MILITARY GOVERNMENT OF ETHIOPIA HEREBY AGREES TO HOLD THE UNITED STATES GOVERNMENT HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES OR ACTIONS OF ANY KIND THAT MAY ARISE AFTER THE AFORESAID TRACTS AND IMMOVABLE PROPERTIES THEREON HAVE BEEN OR SHALL BE LIMITED OFFICIAL USE

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RETURNED/TRANSFERRED TO THE PROVISIONAL MILITARY GOVERNMENT OF ETHIOPIA, EXCEPT FOR THOSE DIRECTLY CAUSED BY THE UNITED STATES GOVERNMENT OR ITS PERSONNEL, AND TO EXCUSE PERFORMANCE OF ALL OBLIGATIONS OF THE UNITED STATES GOVERNMENT UNDER THE AGREEMENT OR LEASE IN CONNECTION WITH THE TRACTS SURRENDERED, EXCEPT FOR PAYMENT OF RENT AND OBLIGATIONS OR ACTIVITIES IN CONNECTION WITH THE SURRENDER OF TRACTS OR REMOVAL OF UNITED STATES GOVERNMENT PROPERTY."

4. IT WOULD BE PREFERABLE FOR USG AND PMG TO BE DESIGNATED BY THE PHRASES "(HEREINAFTER CALLED THE LESSOR); AND "(HEREINAFTER CALLED THE LESSEE)" IN FIRST PARA OF LEASE, AND ALL SUBSEQUENT REFERENCES, INCLUDING THOSE IN PARA A AND B, TO USG AND PMG TO BE DELETED.

5. IN PARA (1), WE PREFER TO DELETE "FOR ANOTHER YEAR" SINCE PHRASE CLEARLY IMPLIES TERMINATION OF OUR OCCUPANCY AFTER THAT TIME.

6. IN MIDDLE OF PARA (2) "THIS DATE OF EXPIRATION" SHOULD BE CHANGED TO "THE DATE OF EXPIRATION". UNDER TRACT E IN PARA (3) PARENTHETICAL PHRASE SHOULD BE CORRECTED TO "PAYABLE AT THIS ANNUAL RATE UNTIL MAY 21, 1975" AND SHOULD BE FOLLOWED BY NEW LINE AS FOLLOWS:

"(PAYABLE AT THIS ANNUAL RATE BEGINNING MAY 22, 1975)
....\$10,082.10."

7. IN MIDDLE OF PARA (6) DELETE REDUNDANT PHRASE "TO THE SOUTHWESTERLY DIRECTION". AT END OF PARA (6) PROPER DESIGNATIONS ARE AS FOLLOWS: "88 DEGREES 34 MINUTES EAST", "83 DEGREES 51 MINUTES EAST", AND "10 DEGREES 55 MINUTES EAST."

8. IN PARA (9) EFFECTIVE DATE OF AMENDMENT SHOULD BE "MAY 22, 1975" VICE, "1974".

9. IN "WATER LINES" PARA SUBSTITUTE "WALL" FOR "VALUE". END OF THIRD LINE SHOULD READ "THENCE TURN TO THE LEFT AND PASS TO THE NORTH."

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10. MOFA DRAFT IS FILLED WITH TYPOS, WHICH, OF COURSE, SHOULD BE CORRECTED PRIOR TO SIGNATURE; AND EMBASSY MAY WISH TO CONFORM STYLE OF DATES THROUGHOUT (FOR EXAMPLE, 21 MAY 1975 VICE MAY 21, 1975). INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DOCUMENTS, LEASES, MILITARY BASE CLOSINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE069943
Document Source: CORE
Document Unique ID: 00
Drafter: CASCHMITZ:MMP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750108-0321
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975038/aaaaahbe.tel
Line Count: 158
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 25 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 AUG 2003 by CunninFX>; APPROVED <15 DEC 2003 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KAGNEW: NINTH SUPPLEMENTAL LEASE AND TRANSFER DOCUMENT
TAGS: PINS, PFOR, ET, KAGNEW STATION
To: ADDIS ABABA ASMARA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006